

AMENDED IN ASSEMBLY MARCH 29, 2012

AMENDED IN ASSEMBLY MARCH 20, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2065

Introduced by Assembly Member Galgiani

February 23, 2012

An act to amend Section 9880.1 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2065, as amended, Galgiani. Automotive repair.

Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. A violation of the act is a crime. Existing law provides for the registration and regulation of automotive repair dealers and makes it unlawful for any person to be an automotive repair dealer unless registered with the bureau. Existing law defines an automotive repair dealer and an automotive technician as a person who, among other things, repairs motor vehicles. Existing law defines the repair of motor vehicles to mean all maintenance of and repairs to motor vehicles, as specified, and excludes from the definition, among other things, repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor services.

This bill would delete repairing and changing tires from that exclusion list. However, the bill would exclude ~~emergency road tire service~~ *tire services* provided by or on behalf of a motor ~~vehicle~~ club holding a specified certificate of authority *or by an operator of a tow truck owned or operated by a person possessing a valid motor carrier permit* from

the definition of motor vehicle repair. Because the failure of a person repairing and changing tires to register as an automotive repair dealer with the bureau would constitute a crime, the bill would impose a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9880.1 of the Business and Professions
2 Code is amended to read:
3 9880.1. The following definitions apply for the purposes of
4 this chapter:
5 (a) "Automotive repair dealer" means a person who, for
6 compensation, engages in the business of repairing or diagnosing
7 malfunctions of motor vehicles.
8 (b) "Chief" means the Chief of the Bureau of Automotive
9 Repair.
10 (c) "Bureau" means the Bureau of Automotive Repair.
11 (d) "Motor vehicle" means a passenger vehicle required to be
12 registered with the Department of Motor Vehicles and all
13 motorcycles whether or not required to be registered by the
14 Department of Motor Vehicles.
15 (e) "Repair of motor vehicles" means all maintenance of and
16 repairs to motor vehicles performed by an automotive repair dealer
17 including automotive body repair work, but excluding those repairs
18 made pursuant to a commercial business agreement and also
19 excluding lubricating all of the following:
20 (1) Lubricating vehicles, installing light bulbs, batteries,
21 windshield wiper blades and other minor accessories, cleaning,
22 adjusting, and replacing spark plugs, and replacing fan belts, oil,
23 and air filters, providing emergency road tire service.
24 (2) Providing tire services by or on behalf of a motor vehicle
25 club holding a certificate of authority issued pursuant to Chapter
26 2 (commencing with Section 12160) of Part 5 of Division 2 of the

1 Insurance Code,~~and other~~ or by an operator of a tow truck, as
2 defined in Section 615 of the Vehicle Code, owned or operated by
3 a person or entity possessing a valid motor carrier permit as
4 described in Section 34620 of the Vehicle Code.

5 (3) Other minor services; which the director, by regulation,
6 determines are customarily performed by gasoline service stations.

7 No service shall be designated as minor, for purposes of this
8 section, if the director finds that performance of the service requires
9 mechanical expertise, has given rise to a high incidence of fraud
10 or deceptive practices, or involves a part of the vehicle essential
11 to its safe operation.

12 (f) "Person" includes firm, partnership, association, limited
13 liability company, or corporation.

14 (g) An "automotive technician" is an employee of an automotive
15 repair dealer or is that dealer, if the employer or dealer repairs
16 motor vehicles, and who for salary or wage performs maintenance,
17 diagnostics, repair, removal, or installation of any integral
18 component parts of an engine, driveline, chassis or body of any
19 vehicle, but excluding lubricating all of the following:

20 (1) Lubricating vehicles, installing light bulbs, batteries,
21 windshield wiper blades, and other minor accessories; ~~and~~
22 cleaning; ~~and~~ replacing fan belts; ~~and~~ oil and air filters; ~~providing~~
23 emergency road tire service.

24 (2) Providing tire services by or on behalf of a motor club
25 holding a certificate of authority issued pursuant to Chapter 2
26 (commencing with Section 12160) of Part 5 of Division 2 of the
27 Insurance Code,~~and other~~ or by an operator of a tow truck, as
28 defined in Section 615 of the Vehicle Code, owned or operated by
29 a person possessing a valid motor carrier permit as described in
30 Section 34620 of the Vehicle Code.

31 (3) Other minor services which the director, by regulation,
32 determines are customarily performed by a gasoline service station.

33 (h) "Director" means the Director of Consumer Affairs.

34 (i) "Commercial business agreement" means an agreement,
35 whether in writing or oral, entered into between a business or
36 commercial enterprise and an automobile repair dealer, prior to
37 the repair which is requested being made, which agreement
38 contemplates a continuing business arrangement under which the
39 automobile repair dealer is to repair any vehicle covered by the
40 agreement, but does not mean any warranty or extended service

1 agreement normally given by an automobile repair facility to its
2 customers.

3 (j) “Customer” means the person presenting a motor vehicle for
4 repair and authorizing the repairs to that motor vehicle. “Customer”
5 shall not mean the automotive repair dealer providing the repair
6 services or an insurer involved in a claim that includes the motor
7 vehicle being repaired or an employee or agent or a person acting
8 on behalf of the dealer or insurer.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.